

*January 27, 2021***UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Nathan Ochsner, Clerk of Court

UNITED HEALTH PRODUCTS, INC.	§	CASE NO. 4:20-CV-00788
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
	§	
ANIMAL HEALTH INTERNATIONAL, INC.,	§	
PATTERSON VETERINARY SUPPLY, INC.,	§	
PATTERSON LOGISTICS SERVICES, INC.	§	
	§	
<i>Defendants.</i>	§	

AFFIDAVIT OF LOU SCHILIRO

BEFORE ME, the undersigned authority, on this day personally appeared Lou Schiliro, known to me to be the person whose name is subscribed below and who upon being duly sworn did depose and state as follows:

“My name is Lou Schiliro. I am over 18 years of age, of sound mind, capable of making this affidavit, and not disqualified from making this sworn statement. The statements contained within this affidavit are within my personal knowledge, and are both true and correct.

1. I have been CEO of United Health Products (UHP) since August 2018. I make this declaration based on my review of UHP’s business records made at or near the time of the events described in this declaration and my knowledge of applicable business operations.

2. While UHP and Patterson signed a distribution agreement in January 2017.

3. However, discussions about the shipment about which the instant litigation is focused (to wit, hemostyp product) began on October 2017.

4. The screenshots below were taken of an Invoice created for the shipment on or around December 20, 2017.

UHP invoiced the sale in December 2017:

United Health Products
 10624 S. Eastern Ave., #A209
 Henderson, NV 89052 US
 877-358-3444
 w.harper@uhpcorp.com

Invoice

BILL TO:
 Patterson Management
 137 Barnum Road
 Devens, MA 01434-3509

SHIP TO:
 Patterson Management
 137 Barnum Road
 Devens, MA 01434-3509

INVOICE #	DATE	TOTAL DUE	TERMS	ENCLOSURE
82024	12/20/2017	\$438,596.00	Net 120	

SHIP DATE: 12/20/2017
SHIP VIA: UPS Freight
PO NUMBER: 6461930A
FREIGHT TERMS: FOB Origin

ACTIVITY	QTY	RATE	AMOUNT
Hemostyp Gauze 2"x 2" - Aus - Box of 12	1,600	35.90	57,440.00
Trauma Gauze 2"x2" 1 Ply 12 Per Box			
Hemostyp Trauma Gauze - 2" x 4" - Aus - Box of 12	1,200	76.08	91,296.00
Hemostyp Trauma Gauze - 2" x 4" - Box of 12			
Hemostyp Trauma Gauze - 4" x 4" - Box of 10	1,600	82.725	132,360.00
Hemostyp Trauma Gauze - 4" x 4" - Box of 10			
Hemostyp Trauma Gauze - Dental Box of 20	4,500	35.00	157,500.00
Hemostyp Trauma Gauze - Dental Box of 20			
BALANCE DUE			\$438,596.00

5. In turn, UHP sent this produce to its sterilization company, Sterigenics, and was reciprocally invoiced in January 2018:

Sterigenics
 R53480102

Certificate of Processing
 STERIGENICS 108 Lake Denmark Rockaway NJ 07866
 TEL 973 625-8400 FAX 973 625-7820 www.sterigenics.com

01/04/2018 14:33:08 GMT
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Customer Name: United Health Products- Henderson, NV, NA
P.O.#: 25-50 kGy
Processing Facility: UHP, Gamma Treatment
Rockaway
Received Date/Time: 12/28/2017 20:15:14 GMT
Work Order #: 2117782
Sales Order #: 1852765

SO Line #	Qty	UOM	Customer Item Number	Customer Item Description	Customer Lot Number	Customer Lead Number
101.000	12	CA	9# CT 22X10X10		02171115	COTTON GAUZE
102.000	6	CA	9# CT 22X10X10		03171115	COTTON GAUZE
103.000	12	CA	9# CT 22X10X10		04171115	COTTON GAUZE
104.000	36	CA	7# CT 17X11X12		01171115	COTTON GAUZE
105.000	12	CA	3# CT 10X10X6		03171115	COTTON GAUZE
	66	CA	Total			

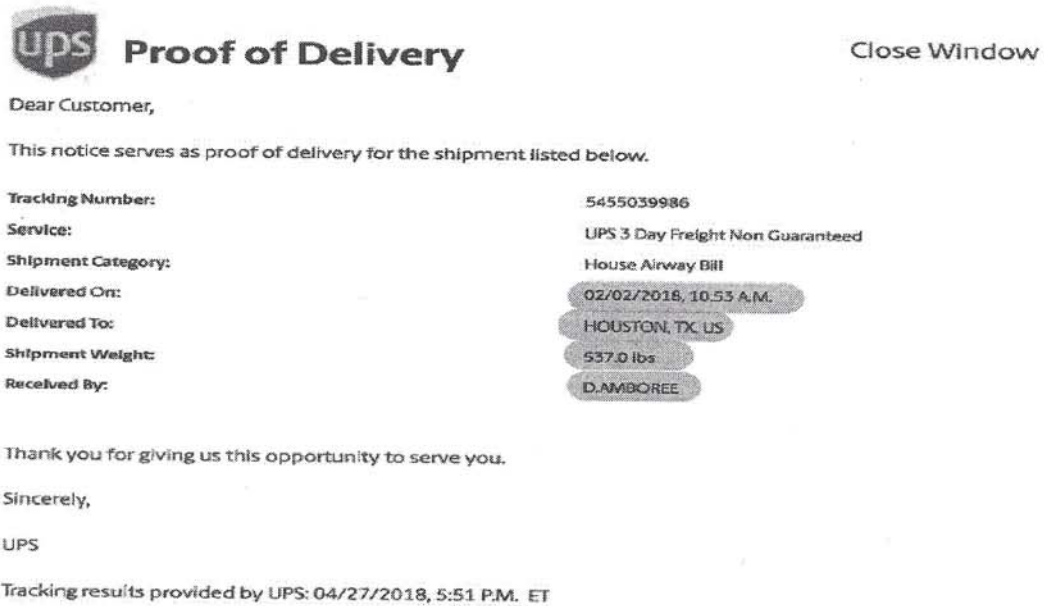
Quality Test Summary

Op#	Quality Test Description	Minimum Spec	Maximum Spec	Result	Pass/Fail	Signed By	Date /Time
450.00	Minimum Dose	25.0 kGy	50.0 kGy	25.8 kGy	Pass	MTOOHEY	01/04/2018 02:31:41 GMT
450.00	Maximum Dose	25.0 kGy	50.0 kGy	44.0 kGy	Pass	MTOOHEY	01/04/2018 02:31:58 GMT

Sterigenics certifies that the materials listed above (as described by the Manufacturer) received the indicated doses within the precision and accuracy of the dosimetry system employed.

Electronically Signed By: CONRAD WEISS
 Reason: Work Order Completion
 Date: 01/04/2018 14:34:03 GMT

6. Next, the product was delivered to - and received in- Houston in February 2018:



7. At no time did I intend to send a "sample."
8. I did not hear or see the word "sample" to describe the HemoStyp product until Mr. Joel Funk sent me this email in May 2018:

From: Louis Schiliro [mailto:louis.schiliro@comcast.net]
Sent: Friday, May 11, 2018 8:00 AM
To: Funk, Joel <Joel.Funk@animalhealthinternational.com>
Subject: United Health Products

*** External Email ***

Joel:

I have called and emailed to set up a time to talk. Per your letter you said to eliminate all contact except through your office. So I need to speak to someone as there are open issues.
We have worked hard to gain traction for Patterson with our product and have been working on an exclusive basis. We have spent a considerable amount of time and money traveling to help promote exclusively for Patterson our product throughout the country.
We have enjoyed a great relationship with all of your sales folks and they have been extremely receptive to our high margin item and the ease it sells.

The product in Houston has been there for some time and it was my understanding some of it was taken for samples. Which we do not know how much.
We also, do not know what is left and how it was stored.
I do not want to call any Patterson personnel per your email so I need some help figuring out answers to those questions.

9. If Animal Health treated any portion of the product as a 'sample' it was only treated as such by that company *ex post*.

Further, Affiant sayeth not.

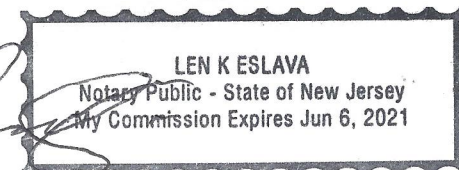


Lou Schiliro, Affiant

STATE OF NEW JERSEY

COUNTY OF BURLINGTON COUNTY

I certify under my seal of office this 28th day of November 2020, that Lou Schiliro personally appeared before me, the undersigned Notary Public, and signed the foregoing statement in writing before me and swore before me that the facts therein stated are true and correct.



LEN K ESLAVA
Notary Public - State of New Jersey
My Commission Expires Jun 6, 2021

Notary Public in and for
The State of New Jersey